

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff,

vs.

Cause No. 1:13-cv-00896-LFG-RHS

JUSTINA ROMERO, individually and as Personal Representative of the ESTATE OF KAYLA ALEXIS MARTINEZ; FRED SANCHEZ, individually and as Personal Representative of the ESTATE OF ALEANDRA SANCHEZ; REYES RUBIO; ANGEL GOMEZ, as Parent and next friend of BRIANNA SANCHEZ, a minor; FELICITA ESQUIBEL, as Parent and next friend of KAYLA ESQUIBEL, a minor; MARY HELEN LUCERO, as Parent and next friend of ALEXANDRIA DE LA O, a minor; and JOSEPH MARTINEZ,

Defendants.

PLAINTIFF'S MOTION TO DEPOSIT FUNDS INTO THE COURT'S REGISTRY

Plaintiff, Hartford Fire Insurance Company (The Hartford), by and through its attorneys, Riley, Shane & Keller, P.A. (Courtenay L. Keller and D. Chet Alderete), files this motion to deposit funds into the Court's registry and states:

I. NATURE OF THE ACTION

This is an interpleader action to deposit insurance proceeds into the Court's registry and obtain a declaration of the party or parties entitled to receive those proceeds. The Hartford brought this interpleader proceeding pursuant to 28 U.S.C. Section 1332 and Rule 22 of the Federal Rules of Civil Procedure in order to resolve conflicting claims to the proceeds of a Personal Auto Policy issued by The Hartford (Policy Proceeds). The Hartford moves to tender into the registry of the Court the sum of \$200,000.00.

II. GROUNDS FOR DEPOSIT

As a result of the multiple and conflicting claims, The Hartford is in doubt and cannot safely pay claims under the above-referenced policy without risk of excess exposure to its insureds, Roberta Dimas and Wayne Lovato. The Hartford is a disinterested stakeholder that claims no interest in the Policy Proceeds.

Plaintiff submits its insureds, Roberta Dimas and Wayne Lovato, will be subjected to multiple and mutually exclusive claims, inconsistent judgments, and numerous suits, the outcome of which will not be properly determinative of the manner in which the limited fund should be apportioned among the several claimants, and for which they have no adequate remedy at law.

Plaintiff is prepared to unconditionally tender, and pay into the registry of this Court, the full amount of the available policy limits in the amount of \$200,000.00, which represents the total available policy limits under both the liability and Underinsured Motorists parts of the policy for bodily injury claims arising from the subject accident, and to abide by the orders and judgments of this Court.

Plaintiff seeks a detached and orderly resolution of the competing claims to the fund.

III. RELIEF REQUESTED

The Hartford respectfully requests that the Court enter an Order allowing it to deposit the Policy Proceeds, to accrue interest as applicable, into the Court's registry, there to abide determination as to the party or parties entitled to recover them.

Respectfully submitted,

RILEY, SHANE & KELLER, P.A.

By: /s/ original signed by Courtenay L. Keller

COURTENAY L. KELLER

D. CHET ALDERETE

Attorneys for Plaintiff

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The undersigned hereby certifies that on the 20th day of September, 2013, a copy of the foregoing was electronically filed through the CM/ECF system, which caused the following participating CM/ECF counsel to be served with same by electronic means. The undersigned further certifies that a copy of the foregoing was also served by U.S. Mail or personal service on:

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